



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor : Mitchell R. Swartz

Serial no. 09/ 750,765

Filed: 12/28/00

For: **METHOD AND APPARATUS
TO CONTROL ISOTOPIC FUEL
LOADED WITHIN A MATERIAL**

This is a continuation of Serial no. 07/ 760,970

Group Art Unit: 3641

Examiner: Mr. Palabrica, R.J.

May 26, 2004

DECLARATION OF DR. MITCHELL SWARTZ

I, Mitchell R. Swartz, declare that I am a citizen of the United States of America and the inventor of the invention described in the above-entitled application.

1. I have a background in electrical engineering, material science, electrochemistry, and medicine, and have worked in this field for more than a decade, and have worked on experimental projects at the Massachusetts Institute of Technology, Massachusetts General Hospital and elsewhere.

2. I received the Office's notification dated May 17, 2004. (cover as Exhibit "A", attached), which is stamped and unsigned by Michael Carone and the Examiner. Said office communication purports that there are errors in the Appeal Brief dated January 4, 2004, however, analysis reveals that it is not I, but the Office, which has made a series of errors with respect to these matters.

3. I requested to know the substantive precise reason, scientific basis, or authority which allows the Examiner to dismiss this Argument by the Applicant without citation, analysis, or substantive response. There has been none.

4. The Office's Communication inaccurately states that there are purported "deficiencies" and that others have not been corrected. The Examiner is incorrect. Any and all purported "deficiencies" alleged by the Examiner in the previous communication were addressed and corrected as was discussed in my previous Notice and the present Response. In contrast, it is the Examiner who got the claims wrong.

5. Only now has the Office admitted that it did not keep track of the claims in the above entitled application.

6. On information and belief, the record again indelibly indicates that the Office, Mr. Palabrica, Mr. Carone, and their supervisors(s), have used putative errors and even misplaced claims (#5) and disingenuous statements to harass me.

7. On information and belief it is crystal clear that Mr. Palabrica, Mr. Carone, and their supervisors(s) have systematically worked to keep this energy invention, described in the above-entitled application, from the United States of America and its citizenry during War, and to keep the Appeal Brief of the above-entitled application from the Board as the above-mentioned obstruct justice.



Mitchell R. Swartz, ScD, MD

I declare that all statements herein of my own knowledge are true and that all statements made on information and belief are believed to be true.

Signature of Inventor:
May 26, 20044



Mitchell R. Swartz, ScD, MD, EE
Weston, Mass. 02493